



March 15, 2006

Mr. Dexter Thomas
EDI Comments
AMS, F&V, PACA Branch
1400 Independence Ave., S.W. Room 2095-S
Washington, D.C. 20250-0242

Dear Mr. Thomas:

The Florida Fruit & Vegetable Association would like entered into record the following comments to the Federal Register published January 30, 2006 entitled under the Department of Agriculture, Agricultural Marketing Service, 7 CFR Part 46 Docket No. FV-05-373, *Regulations Under the Perishable Agricultural Commodities Act (PACA)*.

The Florida Fruit and Vegetable Association (FFVA) is an agricultural trade organization representing Florida's producers of fresh fruits, vegetables, and other crops.

Since the inception of Electronic Data Interchange (EDI), the main focus of the Florida Fruit & Vegetable Association has been and always will be maintaining the Trust rights on behalf of the seller or Trust creditor. The five areas of concern listed in the advance notice of proposed rulemaking are also the concerns of the FFVA and its members whereas the Trust rights of the seller are not preserved if: (1) the buyer/buyer's agent, either willfully or through oversight, does not receive the entire electronic transmission such as the invoice. (2) A buyer/buyer's agent does not download a notice or formal statement containing the Trust language. (3) The buyer/buyer's agent does not exercise the option to purchase the data field from the interchange provider that contains the Trust language. (4) The buyer/buyer's agent does not buy the data field from the interchange provider that includes the Trust language. (5) The interchange provider does not translate the field that contains the Trust language.

In order to address these issues while keeping regulations as simple as possible to remain clear and concise to the industry. The FFVA would kindly request your consideration of the new, underlined language be amended to 7 C.F.R. 46.46 (f)(3) to read as follows:

(3) Licensees may choose an alternative method of preserving trust benefits from the requirements described in paragraphs (f)(1) and (2) of this section. Licensees may use their invoice or other billing statement to preserve trust benefits. The alternative method requires that the licensee's invoice or other billing statement, whether documentary or electronic, contain the following statement at the time of mailing or transmission to the debtor, irrespective of whether or not the debtor downloads, receives, or accepts such statement.

The FFVA believes this is the simplest, most-effective approach to the regulation that will address the issues of concern for all parties involved in the transactions covered under the jurisdiction of the PACA.

On behalf of the FFVA, thank you for the opportunity to comment on this very important issue.

Sincerely,



Danny Raulerson
Director, Membership, Marketing & International Trade
Florida Fruit and Vegetable Association

